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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 JESSIE SIMS,

11 Plaintiff,

No. CIV S-05-0902 FCD GGH P

12 vs.

13 D.L. RUNNELS, Warden, et al.,

14 Defendants.

FINDINGS & RECOMMENDATIONS

15 _____/
16 By order filed October 27, 2005, plaintiff's complaint was dismissed and thirty
17 days leave to file an amended complaint was granted. On November 23, 2005, plaintiff was
18 granted a thirty day extension of time to file an amended complaint. The thirty day period has
19 now expired, and plaintiff has not filed an amended complaint or otherwise responded to the
20 court's order.

21 Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed
22 without prejudice. See Local Rule 11-110; Fed. R. Civ. P. 41(b).

23 These findings and recommendations are submitted to the United States District
24 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty
25 days after being served with these findings and recommendations, plaintiff may file written
26 objections with the court. The document should be captioned "Objections to Magistrate Judge's

Findings and Recommendations.” Plaintiff is advised that failure to file objections within the specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

DATED: 2/28/06

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

GGH:035
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